

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

WILLIAM D. GARLAND

PLAINTIFF

v.

Civil No. 5:05-CV-5131-JLH

RANDALL DENZER; and
SGT. FOSTER

DEFENDANTS

O R D E R

Now on this 31st day of January, 2007, comes on for consideration the **Magistrate Judge's Report and Recommendation** (document #40, filed January 4, 2007), in this matter, to which no objections have been filed, and the Court, having carefully reviewed said Report and Recommendation, finds that it is sound in all respects, and that it should be adopted *in toto*.

IT IS THEREFORE ORDERED that the **Magistrate Judge's Report and Recommendation is adopted *in toto***.

IT IS FURTHER ORDERED that, for the reasons stated in the Magistrate Judge's Report and Recommendation, plaintiff's Motion for leave to file appeal *in forma pauperis* (doc. #33) is hereby **denied**.

IT IS SO ORDERED.

/s/Jimm Larry Hendren
HON. JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE